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UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Washington 25, D. C.

AMS INSTRUCTION No. 362-1

ACTION BY: All Divisions, Offices, and All Employees

Political Activity

I PURPOSE

All employees of the Agricultural Marketing Service, as Federal employees, should be aware of the political activities in which they may or may not engage. It is the purpose of this Instruction to provide as much information on the subject as is practicable. The list of permitted and prohibited activities is not all inclusive. An AMS employee who has any question as to the propriety of an activity not listed, should ask his supervisor to take the question up with the appropriate personnel office (see Section III below) for ruling.

II AUTHORITY

This Instruction is based on specific laws and regulations and/or interpretations of such laws and regulations. An employee who desires information as to the authority for any statement should communicate with the personnel office through channels.

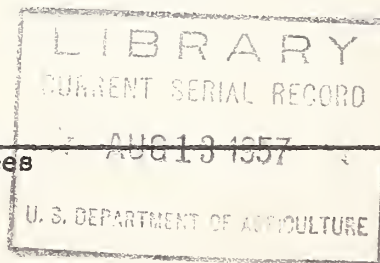
III DEFINITION OF PERSONNEL OFFICE

As used in this Instruction the term "personnel office" refers to the Personnel Division in Washington, D. C., or the personnel branch of the area administrative division, depending upon which office exercises employment jurisdiction over the employee concerned.

IV PENALTIES

The penalty imposed by law for engaging in a prohibited political activity is immediate removal from the Federal service, unless the Civil Service Commissioners find by unanimous vote that removal is not warranted, in which case the Commissioners may impose a suspension of not less than 90 days. In addition to these penalties, many of the activities listed herein are punishable by fines or imprisonment, or both.

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V ACTIVITIES PERMITTED AND PROHIBITED

Except as indicated in Section VI of this Instruction, we as Federal employees are prohibited from assuming political leadership or from becoming prominently identified with any political movement, party, or faction, or with the success or failure of any candidate for election to public office. In general, the restrictions are applicable regardless of whether we are on active duty, on leave with pay, on leave without pay, or on furlough. They apply to us not only if we act independently, but also if we act in open or secret cooperation with others. Therefore, we are accountable for political activity by persons other than ourselves, including wives or husbands, if, in fact, we are thus accomplishing by collusion and indirect what we may not lawfully do directly and openly. The following paragraphs indicate the application of various laws, regulations, and rulings to specific situations. The listing will help to distinguish between the types of activities in which we may or may not engage.

A Participation in Campaign Activities.

1 Candidacy for Public Office. We may not be candidates for nomination or for election to a national, State, county, or municipal office, unless the issues of the election and the personalities of the candidates are strictly of a nonpartisan and local character, being divorced entirely from national and State political parties. (Also see Sections VI B 4 and VII of this Instruction.)

2 Political Badges and Posters. We are not prohibited from wearing political badges or buttons, or from displaying political posters in the windows of our homes or on our automobiles. However, it is regarded as a violation of the spirit of the law to make a partisan display of any kind while on duty conducting the public business. Distribution of campaign literature, badges, or buttons is prohibited political activity.

3 Petitions. We may sign petitions, including nominating petitions or those favoring a candidate for office, as individuals; but we may not do so as Government employees or as members of a group or association of Government employees. We may NOT initiate such petitions, or canvass for the signature of others, if the petitions are identified with political management or political campaigns.

4 Parades. We may not participate in or help organize a political parade. However, a Federal employee may be a member of a band or orchestra which takes part in parades or rallies, provided such band or orchestra is generally available for hire as a musical organization.

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5 Partisan Service. We may not render partisan political service such as transporting candidates on canvassing tours, whether for pay or gratuitously.

B Membership and Holding Office in Clubs and Organizations.

1 Political Clubs and Organizations. Federal employees may be members of political clubs; but it is improper to be active in organizing such a club, to be an officer of the club, to be a member or officer of any of its committees or to act as such, or to address a political club on any subject. Service as a delegate from such a club to a league of political clubs is service as an officer or representative of a political club, and is prohibited. In other words, we may become members of a political club, but may not take an active part in its management or affairs, and may not represent other members or attempt to influence them by our actions or utterances.

2 Labor Unions. Membership in a labor union is not prohibited where the organization is nonpartisan in character and has as its primary object improvements in the conditions of labor of its members and matters related to their individual welfare. Activities concerned solely with organization and management of a union of Federal employees are not prohibited. However, a Federal employee who engages in prohibited political activity under the direction or suggestion of a union will be held personally accountable irrespective of whether he is acting as an individual or as a member of a group.

3 Organizations for Social Betterment. We may hold office in organizations established for social betterment. However, if we become members or officers of an organization of this type, we must take the responsibility for seeing that the activities in which we engage do not become political in character.

4 Civic Organizations and Citizens Associations. Activity in organizations having for their primary object the promotion of good government or the local civic welfare is not prohibited, provided such activity has no connection with the campaign of a particular political candidate or party.

C Contributions for Political Purposes. The term "contribution" includes a gift, subscription, assessment, loan, advance, or deposit of money or anything of value. It includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

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1 Personal Contributions. We may make voluntary contributions to a regularly constituted political organization for its general expenditures, subject to the \$5,000 limitation imposed by law. We are prohibited from giving contributions for political purposes to other Federal employees.

2 Contributions of Other Persons.

a We may not directly or indirectly solicit, collect, receive, disburse, or otherwise handle contributions made for political purposes by other persons whether or not employed by the United States.

b We may not solicit or receive any assessment or contribution for any political purpose from anyone entitled to or receiving compensation or other benefit from Federal funds appropriated for work relief or relief purposes.

c We may not discharge, promote, or demote, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten to do so, for giving or not giving any contribution of money or other valuable thing for any political purpose.

d We are prohibited from soliciting the sale of or selling tickets for dinners or other affairs given by political parties or organizations as a means of raising campaign funds.

e Contributions may not be made or solicited in a Federal building, or in any room or building occupied in the discharge of official duties by an officer or employee of the United States. To address a letter to a Government employee in a Government building, soliciting political contributions, is a solicitation in that building. It is also a violation to send a letter of solicitation to a Government employee through the mails so addressed that the letter is delivered by the postal authorities in the Government building in which he is employed.

D Participation in Political Assemblies.

1 Meetings and Rallies. Service in preparing for, organizing, or conducting, a political meeting or rally, addressing such a meeting, or taking any part therein except as a spectator, is prohibited.

2 Conventions. We may not be candidates for or serve as officers, employees, delegates, alternates, or proxies in any political convention. Attendance merely as a spectator is permissible. But if we attend, we must not take any part in the convention or in the deliberations or proceedings of any of its committees, and must refrain from any public display of partisanship or obtrusive demonstration or interference.

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3 Committees. We may not hold the office of political committeeman such as precinct committeeman, ward committeeman, and so forth. We may not serve on or for any political committee or similar organization. We may attend as spectators any meeting of a political committee to which the general public is admitted, but must refrain from activity. Whether a committee has an ultimate political purpose determines whether we may serve as members. For example, the Civil Service Commission has held that an employee could not serve as chairman of the food committee at a meeting when a nominee for Governor of a State made his opening campaign speech.

4 Primaries - Caucuses. We may attend a primary meeting, mass convention, caucus, and the like, and may vote on any question presented, but no further participation in the activities of such meetings is permissible. We may not act as officers of the meeting, convention, or caucus, and may not address it, make motions, prepare or assist in preparing resolutions, assume to represent others, or take any prominent part in the meeting.

E Voting.

1 Our Own Votes. We may vote as we please and exercise this right free from interference, solicitation, or dictation by any fellow employee or superior officer or any other person. We may not solicit, receive, or accept payment for our votes or for withholding our votes.

2 Voting By Other Persons.

a We may not solicit the vote of any person for a political candidate or for a political party.

b We may not intimidate, threaten, or coerce any other person for the purpose of interfering with the right of that person to vote, or to vote as he may choose, in any Federal election.

c We may not use any part of any Federal appropriation for work relief, relief, or public works, for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election.

d We may not pay or offer to pay any person (1) for voting or for refraining from voting or (2) for voting for or against any candidate for Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

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F Activity at Polls and for Candidates. We may not assist voters to mark their ballots, help to get out voters on registration and election days, or act as accredited checkers, watchers, or challengers of any party or faction. We may not take voters (other than members of our immediate families) to or from the polls. We may serve as election officers provided that (1) in so doing we discharge the duties of the office in an impartial manner, as prescribed by State or local law and (2) we do not engage in or become involved in activities in behalf of a political party or candidate.

G Miscellaneous Activities.

1 Expressions of Opinions. Although the law reserves to employees the right to "express their opinions on all political subjects and candidates," public expression of opinion in such a way as to constitute taking an active part in political management or in political campaigns is prohibited.

2 Newspapers - Publication of Letters or Articles. We may not publish, or be connected editorially or managerially with, any newspaper generally known as partisan from a political standpoint. We may not write for publication or publish any letter or articles, signed or unsigned, in favor of or against any political party, candidate, or faction. If we write such a letter or article, we are responsible for any use that may be made of it whether or not we give consent for its use.

3 Interference with Election. We may not use our official authority for the purpose of interfering with a Federal election.

4 Promise of Employment or Other Benefit. We may not promise any employment or other benefit from Federal funds to any other person as a reward for political activity.

5 Deprivation of Employment, Compensation, or Benefit. We may not deprive, or threaten to deprive, any person of employment, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, or color, or because of political activity.

6 List of Persons on Federal Relief. We may not, for political purposes, furnish, disclose, or receive any list or names of persons on Federal relief or work relief.

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7 Prohibition Against Membership in Subversive Organizations.

The appropriated funds of the Department (including trust funds) may not be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence. If a Federal employee is or becomes a member of such an organization, he will be immediately removed from his position.

VI EXCEPTIONS TO RESTRICTIONS ON POLITICAL ACTIVITY

A Part-Time or Intermittent Employees. If employment with AMS is only part-time or intermittent, not occupying a substantial portion of an employee's time and not affording his principal means of livelihood, he is subject to political activity prohibitions while he is in an active duty status, and not otherwise. He may hold political office or be listed as a candidate for such office provided he does not engage in political activity during periods of active duty. The period of active duty embraces the entire 24 hours of any day for which he receives any compensation from AMS, rather than just the working hours of the day. He is prohibited from the use of official authority or influence for the purpose of interfering with an election.

B Activity Permitted in Certain Communities. Employees who reside in ~~certain municipalities~~ or other political subdivisions of the States of Maryland and Virginia in the immediate vicinity of the District of Columbia, or in municipalities the majority of whose voters are employed by the Government of the United States, may take active part in local political management and local political campaigns. Information on which communities are included can be obtained from the personnel office. This privilege is subject to the following restrictions:

1 An employee must not neglect official duties and must not engage in nonlocal partisan political activities.

2 An employee must not run for local office as a candidate representing a political party or become involved in political management in connection with the campaign of a party candidate for office.

3 If an employee is a candidate for a local elective office, he must run as an independent candidate and must conduct his campaign in a purely nonpartisan manner.

(VI B)

4 - If an employee is elected or appointed to a local office requiring full-time service, he must resign his position with AMS. If elected or appointed to an office requiring only part-time service, he may accept and hold such office without relinquishing his AMS position, provided the holding of such part-time office does not conflict or interfere with his duties as an officer or employee of AMS.

VII HOLDING PUBLIC OFFICE

We may not, except as provided below and in Section VI of this Instruction, accept or hold any office or employment, whether appointive or elective, under any State, Territorial, or county government, or under the charter or ordinance of any municipal corporation. If we accept or hold such an office, we must relinquish our AMS positions.

A Offices Which May Be Held. Subject to the conditions stated in paragraph B of this section we may hold the following offices:

1 State, Territorial, and Municipal.

a Notary Public.

b Commissioner to take acknowledgement of deeds, of bail, or to administer oaths.

c Positions as teachers or instructors in State, municipal, or Territorial schools and universities.

2 State and Territorial. Officers in the militia.

3 State and Local. Positions on boards of education, school committees, public libraries, religious or charitable institutions incorporated, established, or sustained by State or municipal authority.

4 Local Offices.

a Positions on boards of health.

b Unpaid service in fire departments.

5 Other State and Territorial Offices. We may, with the prior approval of the Administrator of AMS, hold other State and Territorial positions, except law enforcement positions, when such employment is considered necessary to secure a more efficient administration of AMS.

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B Precautions To Be Observed in Holding Office. While an employee may be permitted to hold State, Territorial, and local positions as outlined in paragraph A above, he is cautioned that he is subject to the prohibitions against political activity, and particularly that he is not authorized to be a candidate for any elective office which is to be filled in an election involving candidates who are directly or indirectly representing any political party or faction.

VIII RESPONSIBILITIES

A Employees. It is our responsibility, as Federal employees, to ascertain whether any particular form of political activity is prohibited, or whether we are subject to the prohibitions contained in the statutes and regulations. This information may be secured through regular supervisory channels.

B Supervisors. It is the responsibility of supervisory officials to:

1 Make sure that employees become familiar with the information contained in this Instruction:

2 Secure for them any additional information they may request concerning the propriety of an activity in order to assure compliance with existing laws and regulations; and

3 Report violations of the statutes and regulations in regard to political activity to the appropriate personnel office with all available facts. No investigation with respect to such alleged violations shall be conducted at the supervisory level or by the field personnel office without prior approval or authorization of the Washington Personnel Division.

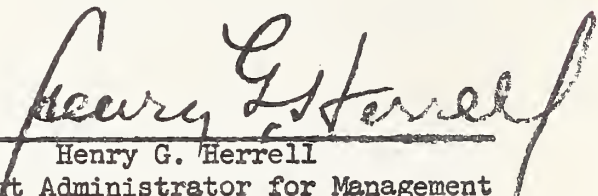
IX EMPLOYEES OF STATE OR LOCAL AGENCIES

A Political activity of officers and employees of State or local agencies, whose employment is principally in activities financed in whole or in part from Federal funds, is restricted. Certain State officials are exempt. The law provides that: No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly

(IX A)

coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person, for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

B Any alleged violations should be reported promptly to the appropriate personnel office. If such office is a field personnel office, that office, in turn, shall report the matter to the Washington Personnel Division.


Henry G. Herrell
Assistant Administrator for Management